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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,446	06/26/2001	Shozo Onmori	Q63872	9704
7590	04/09/2004		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			CAO, ALLEN T	
			ART UNIT	PAPER NUMBER
			2652	8
DATE MAILED: 04/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/888,446	ONMORI ET AL.
	Examiner Allen T Cao	Art Unit 2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 15-20 and 27 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 8-10, 12-14 and 21-25 is/are rejected.
- 7) Claim(s) 11 and 26 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2652

1. Applicant's election without traverse of Group II, claims 8-14 and 21-26 in Paper No. 7 is acknowledged.

2. Claims 1-7, 15-20 and 27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Claims, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 7.

3. Claims 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "a front to rear direction" in claim 8, line 7 is vague and indefinite. First, It is unclear as to what "direction"? second, it lacks antecedent basis because it is unclear as to whether applicant refers to the "front and rear directions of said case body" as claimed in line 4 or different front and rear directions.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21-22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan (3-189980).

Japan ('980) discloses a recording medium cartridge (figures 1-3) having a cartridge case 11 for accommodating a recording medium 12; and a cartridge memory (RAM 13) which records information given when producing the recording medium cartridge (see abstract and constitution) as set forth in claim 21.

Regarding claim 22, Japan ('980) discloses the cartridge memory is attached to such a position as "to be exposed" when the recording medium cartridge is loaded into a recording/reproducing device.

Regarding claim 24, Japan ('980) discloses the cartridge memory is attached to a rear side of the cover member.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan ('980) in view of Japan (10-149650).

Regarding claim 23, Japan ('980) does not disclose that the cover of the cartridge can be open.

Japan ('650) discloses a recording medium cartridge having a cartridge case 1 and an IC cartridge memory 100. Japan ('650) also discloses that the cartridge memory 100 is attached to such a position as to be exposed when opening a cover member 1 provided on the recording medium cartridge (figures 2 and 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to indicate/modify that the cover of the cartridge of Japan ('980) can be open as taught by Japan ('650).

The rationale is as follows: One of ordinary skill in the art would have motivated to indicate/modify that the cover of the cartridge of Japan ('980) can be open as taught

by Japan ('650) as an obvious modification of the cartridge technology which can be open in order to replace parts, etc ...

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan ('980) in view of Bardmessier (US. 5,986,992).

Japan ('980) does not disclose that the portion peripheral to a fitting position of the cartridge memory is recessed.

Bardmessier discloses a disc cartridge 1 having a display module 85 including a cartridge memory 9 (figures 14c, 14d); wherein the portion peripheral to a fitting position of the display module including the cartridge memory is recessed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cartridge of JP ('980) such that the portion peripheral to a fitting position of the display module including the cartridge memory is recessed as taught by Bardmessier.

The rationale is as follows: One of ordinary skill in the art would have been motivated to modify the cartridge of JP ('980) such that the portion peripheral to a fitting position of the display module including the cartridge memory is recessed as taught by Bardmessier for easy to replace the cartridge memory.

9. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('980) as applied to claim 21 above, and further in view of Lang et al (US. 5,896,256).

JP ('980) discloses a recording medium cartridge (figures 1-3) having a cartridge case 11 for accommodating a recording medium 12; and a cartridge memory (RAM 13)

which records information given when producing the recording medium cartridge (see abstract and constitution) as set forth in claim 10.

Regarding claim 12, Japan ('980) discloses the cartridge memory is attached to a rear side of the cover member.

JP ('980) does not disclose a transparent window that is visually recognizable as recited in claim 10.

Lang et al disclose a disk cartridge having a transparent window 12 providing visual access (column 3, lines 61-62) and a memory means (claim 1, lines 13-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the disc cartridge of JP ('980) with a transparent window as taught by Lang et al.

The rationale is as follows: One of ordinary skill in the art would have been motivated to provide the disc cartridge of JP ('980) with a transparent window as taught by Lang et al for visually indicating to the user the inside parts of the cartridge and improve the visual look of the cartridge.

10. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan ('980) and Lang et al and further in view of Bardmesser (US. 5,986,992).

Japan ('980) as modified by Lang et al do not disclose that the portion peripheral to a fitting position of the cartridge memory is recessed as recited in claim 14.

Regarding claim 13, Bardmesser also discloses that the memory 9 (figures 14c and 14d) is so fitted as to be set in a notch 88 formed in a sheet positioning rib provided on the recording medium cartridge.

Bardmesser discloses a disc cartridge 1 having a display module 85 including a cartridge memory 9 (figures 14c, 14d); wherein the portion peripheral to a fitting position of the display module including the cartridge memory is recessed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cartridge of JP ('980) as modified by Lang et al such that the portion peripheral to a fitting position of the display module including the cartridge memory is recessed as taught by Bardmesser.

The rationale is as follows: One of ordinary skill in the art would have been motivated to modify the cartridge of JP ('980) as modified by Lang et al such that the portion peripheral to a fitting position of the display module including the cartridge memory is recessed as taught by Bardmesser for easy to replace the cartridge memory.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozeki (US. 4,814,924) in view of Japan ('980).

Ozeki discloses a recording medium cartridge having a case body 1 constructed by joining an upper half 30-1 and a lower half 30-2 to each other; a slider 2 having engagement slide members at both side ends thereof and slidably inserted into slide grooves 3 of the cartridge, extending front and rear directions of the case body 1 (cartridge), between right/left side walls (figures 6 and 8) of the upper half and right/left side walls of the lower half, and fitted along the bottom surface and the side surface of the lower half, such that the slider is slidable in "a front to rear direction"; and a cartridge memory 9.

Ozeki does not clearly disclose that the cartridge memory records information on the recording medium cartridge and information on data recorded on the recording medium.

Japan ('980) discloses a recording medium cartridge (figures 1-3) having a cartridge case 11 for accommodating a recording medium 12; and a cartridge memory (RAM 13) which records information given when producing the recording medium cartridge (see abstract and constitution).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the memory of the cartridge of Ozeki with a memory which records information given when producing the recording medium cartridge as taught by Japan ('980).

The rationale is as follows: One of ordinary skill in the art would have been motivated to replace the memory of the cartridge of Ozeki with a memory which records information given when producing the recording medium cartridge as taught by Japan ('980) for easy in transferring data from the recording medium to an external device, thus improve the recording capacity of the cartridge medium.

12. Claims 11 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant's amendment (claim 8, lines 6-7; claim 10, line 4; and claim 21, line 3) necessitated the new ground(s) of rejection presented in this Office action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen T Cao whose telephone number is (703) 305-3796. The examiner can normally be reached on Mon - Thurs (7:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen Cao
Primary Examiner

AC
April 8, 2004